

Champlain Hudson Power Express

Stormwater Pollution Prevention Plan (SWPPP)

Segment 10 (Package 6)

Bethlehem to Catskill

Albany and Greene Counties, New York

Prepared for:

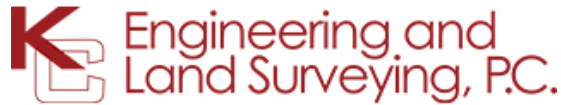
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Note(s):

(1) Appendix / Section not prepared by nor certified by EDR.

1.0 PROJECT INFORMATION

Project Name and Location	Owner and Operator Name and Address
Champlain Hudson Power Express Segment 10 (Package 6) Bethlehem / Catskill, New York	Transmission Developers, Inc. 1301 Avenue of the Americas 26 th Floor New York, NY 10019

2.0 PROJECT DESCRIPTION

2.1 Purpose and Extent of Proposed Development

The proposed Champlain Hudson Power Express (CHPE) project involves the construction of ±339 miles of high voltage direct current underground and underwater transmission line from Montreal, Canada to Queens, New York, United States. It will bring 1,250 megawatts of hydroelectric power to New York City by year 2025.

Specifically, the proposed ±20.60 miles of upland cable installation for Segment 10 (Package 6) work begins in the Town of Bethlehem, Albany County, and ends in the Town of Catskill, Greene County, NY. A site location map is included in Appendix A. The proposed work consists of the installation of two 8-inch-diameter polyvinyl chloride (PVC) casings. All trenching activities and directional drilling work will be located within public roadway and railroad Right-Of-Ways (ROWs). All temporary construction storage and staging areas will also be accomplished within the grounds of the existing ROWs or through agreements with private landowners.

Table 2-1. Overall Design Phase Details

Design Phase	Segment	Design Package	Location Description	Length (Mi)
1	1	1A, 1B	Putnam / Dresden / Whitehall	±17.61
	2	1C	Whitehall / Fort Ann	±5.80
2	3	2	Fort Ann / Kingsbury	±14.51
	4, 5	3	Ft. Edward / Moreau / Wilton / Saratoga / Milton	±26.50
	6	4A	Ballston Spa / Clifton Park / Glenville	±10.20
	7	4B	Schenectady	±9.60
	8	5A	Rotterdam / New Scotland	±17.10
	9	5B	Bethlehem	±5.28
	10	6	Bethlehem / Catskill	±20.90
	11	7A	Catskill	±16.29
	12	7B	Rockland	±7.55
	13, 14, 15	8	Bronx / Astoria, Queens, New York City	±2.13

Site restoration of disturbed surfaces such as pavements, wetlands, and lawn areas are included in the construction documents (Plan and Profile sheets, detail sheets, and Erosion and Sediment Control (ESC) plan sheets). Limits of proposed disturbances and restoration are identified in the construction documents. Once the construction activities are complete, all disturbed vegetated areas will be topsoiled, seeded, and stabilized. Construction of proposed roads and grading within sloped areas will be monitored to reduce ground disturbance to the greatest extent practical, while maintaining existing drainage patterns.

Land disturbances for the project will be limited to trenching activities and Horizontal Directional Drilling (HDD). Construction and temporary stabilization of each site will be sequenced to avoid disturbing five or more acres at one time within each project segment. Land disturbance will be sequenced such that initiation of subsequent land disturbance will be contingent on the completion and stabilization of the previous segment.

It is assumed that multiple crews will be performing installation work within each segment and due to the linear nature of the project, sections of the disturbed areas will be stabilized as cable installation progresses along the alignment to keep the overall disturbed area less than five (5) acres. A 5-acre waiver will not be required.

Construction of the proposed project will not increase impervious areas. As such, peak flow rates will not be increased. According to General Permit GP-0-20-001, Appendix B, Table 1, construction activities that involve soil disturbances of one (1) or more acres of land such as installation of underground, linear utilities, such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains, will require a Stormwater Pollution Prevention Plan (SWPPP) that only includes ESC.

This SWPPP has been prepared in accordance with the criteria presented in General Permit GP-0-20-001, the New York State Stormwater Management Design Manual (January 2015), and the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book). A copy of General Permit GP-0-20-001 is included in Appendix B.

Table 2-2. Nature of Project

The nature of this construction project is checked below:	
	New construction with proposed standard Soil Management Plan (SMPs), Green Infrastructures, and ESC measures.
	Redevelopment with increase in impervious areas with proposed standard SMPs and ESC measures.
X	Redevelopment with no increase in impervious areas with proposed ESC measures only and no SMPs.

The Certificate Holders has coordinated with and obtained permits from the various state and local entities including the New York State Department of Transportation (NYSDOT), and both County and local municipalities for the various road and highway crossings, or general work in the ROW. Please see table below regarding construction permits acquired in addition to NYSDOT required permits.

Table 2-3. Required Highway Work Permits

Municipality	Permit	Status
NYSDOT	State Highway Work Permit	
Bethlehem	Town Road Work Permit	
Coeymans	Town Road Work Permit	
New Baltimore	Town Road Work Permit	
Coxsackie	Town Road Work Permit	
Athens	Town Road Work Permit	

2.2 Project Disturbance Area¹

The total land disturbance acreage is calculated based on the length and width (± 10 feet) for trenching activities and directional drilling work located within public roadway and railroad ROWs. The same width (± 10 feet) will be used for any temporary access roads. Detailed disturbance and limit of work (LOW) limits are depicted on the ESC plan sheets in Appendix L.

Table 2-4. Project Disturbance Area

Segment	Design Package	Location Description	Total Disturbed Area	Exist. Impervious Area within Disturbed Area*	Prop. Impervious Area within Disturbed Area*
10	6	Bethlehem / Catskill	± 25.19 acres	± 20.15 acres	± 20.15 acres

*Note: Assumed $\pm 80\%$ total disturbed area is impervious. This project involves restoration / replacement of existing impervious surfaces impacted during construction. No increase in impervious area is proposed.

2.3 Description and Limitations of On-Site Soils

The soil disturbance for the proposed work is limited to the total land disturbance acreage listed for each design phase. USDA Soil Survey maps and corresponding soil descriptions are provided in Appendix C. A summary of the soil composition is shown in Table 2-5.

¹ Certified by KC Engineering. See KC Engineering SWPPP Preparer Form in Appendix H.

Table 2-5. Soil Analysis Summary

Segment	Design Package	Location	Hydrologic Soil Group (HSG)			
			A	B	C	D
10	6	Bethlehem / Catskill	10%	0.3%	0.5%	89%

The Natural Resource Conservation Service (NRCS, formerly known as the SCS), as part of their soil classification system, assigns each soil series to a Hydrologic Soil Group (HSG). The HSG is a four-letter index intended to indicate the minimum rate of infiltration obtained after prolonged wetting, and to indicate the relative potential for a soil type to generate runoff. The infiltration rate is the rate at which water enters the soil as the soil surface. The HSG also indicates the transmission rate, the rate at which water moves within the soil. Soil scientists define the four groups as follows:

- HSG 'A' (sand, loamy sand, or sandy loam); Soils that have low runoff potential and high infiltration rates even when thoroughly wetted. They consist chiefly of deep, well to excessively drained sands or gravels, and have a high rate of water transmission (> than 0.30 inches/hour).
- HSG 'B' (silt loam or loam); Soils have moderate infiltration rates when thoroughly wetted, and consist chiefly of moderately deep to deep, moderately well to well drained soils with moderately fine to fine texture. These soils have moderate rate of water transmission (0.15 to 0.30 inches/hour).
- HSG 'C' (sandy clay loam); Soils have low infiltration rates when thoroughly wetted and consist chiefly of soils with a layer that impedes downward movement of water, and soils with moderately fine to fine texture. These soils have a low rate of water transmission (0.05 to 0.15 inches/hour).
- HSG 'D' (clay loam, silty clay loam, sandy clay, silty clay, or clay); Soils have high runoff potential. They have very low infiltration rates when thoroughly wetted and consist chiefly of clay soils with a high swelling potential, soils with a permanent high-water table, soils with a clay pan or clay layer at or near the surface, and willow soils over nearly impervious material. These soils have a very low rate of water transmission (<0.05 inches/hour).
- If a soil is classified to a dual hydrologic group (A/D, B/D, or C/D), the first letter represents drained conditions, and the second letter represents undrained conditions.

2.4 Historic Places

A Cultural Resources Management plan (CRMP) has been prepared by Hartgen Archeological Associates, Inc. A copy of the plan, approved by the New York State Office of Parks, Recreation, and Historic Preservation (NYSHPO), is included in Appendix D.

2.5 Municipal Stormwater Sewer Systems (MS4s)

Small Municipal Stormwater Sewer Systems (MS4s) that are located within the boundaries of a Census Bureau define urbanized area are regulated under the EPA's Phase II Stormwater Rule. This requires MS4s to develop a stormwater management program that will reduce the number of pollutants carried by stormwater during storm events to waterbodies to the maximum extent possible. The goal of the program is to improve water quality and recreational use of waterways. MS4 stormwater programs have six (6) elements called Minimum Control Measure (MCM) that are implemented together to reduce pollutants.

Discharges from MS4s in urbanized or additionally designated areas must be authorized in accordance with a permit. There is currently one (1) MS4 community located in the proposed project work area: Bethlehem. An MS4 permit and other applicable materials will be included.

3.0 SEQUENCE OF MAJOR ACTIVITIES²

This Stormwater Pollution Prevention Plan (SWPPP) presents erosion and sediment controls (ESC), both temporary and permanent, to assist the operator in compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-20-001). To the degree practicable, all temporary ESC mitigation measures will be installed before associated project areas are disturbed in anticipation of soil disturbing activities.

It is the responsibility of the Contractor ("Contractor") to ensure that all soils removed from the project site are spoiled in a manner consistent with all local, state, and federal regulations. Appropriate ESC will be installed at all spoil sites. Additionally, the Contractor is responsible for coordinating the application for a GP-0-20-001 permit (and the development of an associated SWPPP) if disturbance associated with any soil spoil area is greater than one (1) acre. GP-0-20-001 applications must be signed by the owner of the lands on which soils are spoiled. Disturbances associated with offsite spoil areas do not contribute to the total disturbances associated with onsite activities.

Construction activities will be scheduled by the Contractor with the intent to minimize the amount of disturbed soil exposed at any one time by area. In general, once work has been started on a particular phase or structure, this work will be completed to the extent possible before work on another phase or structure is started. The Contractor must submit a schedule of construction activities for approval by the Engineer prior to any disturbance to the site.

The project will be carried out as follows:

Construction Sequence (disturbance acreage will vary)

1. Establish work area and contractor staging areas.
2. Install stabilized construction entrance and temporary erosion and sediment control measures (installed in progressive phases).
3. Perform initial clearing to remove vegetation (where required).
4. Build gravel access roads.
5. Place temporary timber mattings through accessible wetland areas (where required).
6. Within HDD areas, set up laydown, staging and excavate pits.
7. Perform HDD.
8. Perform excavation to facilitate conduit placement or splice pits.
9. Perform conduit, splice box, handhole, etc. installation.
10. Backfill the trench in accordance with project details and specifications.
11. Restore HDD disturbed areas in accordance with the plans.
12. Within pavement areas, restore pavement to pre-existing grade, mill and overlay areas as depicted on the plans.
13. Pull and/or splice cable.

² Certified by KC Engineering. See KC Engineering SWPPP Preparer Form in Appendix H.

14. Restore signage, guiderail, mailboxes etc. and staging/access roads impacted by construction to pre-existing condition.
15. Remove temporary timber mattings through wetland areas and apply appropriate seed mixture where necessary.
16. When all disturbed areas have been stabilized, remove all temporary sediment and erosion control measures.

3.1 Name of Receiving Waters

Based on the existing topography on the project site, runoff is generally conveyed overland towards existing ditches, culverts, wetlands, and streams onsite and offsite. According to Appendix C of General Permit GP-0-20-001, none of the receiving waterbodies within the project area are identified as enhanced phosphorus watersheds. In addition, according to Appendix E of General Permit GP-0-20-001, none of the receiving water in the project area is listed as 303(d) segments impaired by construction related pollutants.

The water quality of surface waters in New York State is classified by the New York State Department of Environmental Conservation (NYSDEC) as A, B, C, or D, with special classifications for water supply sources (AA). A "T" used with the classification indicates the stream supports, or may support, a trout population. Water quality standards are also provided. The standards apply the same classification system but, in some cases, are more stringent to eventually improve the water quality. The higher standard is most often used to reflect the existence of the potential for breeding trout. All surface waters with a classification and/or standard of C (T) or better are regulated by the State. A summary of the stream classifications is shown in Table 3-1. The locations of the receiving waters are shown on figures and maps in Appendix E.

Table 3-1. Summary of Receiving Waters and Stream Classifications for Segment 10 (Package 6)

Approximate Station	Receiving Waterbody / Stream Name	NYSDEC Classification	Waterbody Field ID & NYSDEC Regulation	303(d) Segment Impaired
60094+00	Unnamed Tributary to Hudson River	Unmapped	S-10	No
60101+25	Coeymans Creek	C/C(TS)	CP6-S3/	No
60104+00	Unnamed Tributary to Hudson River	Unmapped	S-12	No
60105+00	Unnamed Tributary to Hudson River	Unmapped	CP6-S2	No

Approximate Station	Receiving Waterbody / Stream Name	NYSDEC Classification	Waterbody Field ID & NYSDEC Regulation	303(d) Segment Impaired
60108+25	Unnamed Tributary to Hudson River	Unmapped	CP6-S1	No
60113+25	Unnamed Tributary to Hudson River	Unmapped	S-13/13N	No
60117+50	Unnamed Tributary to Hudson River	Unmapped	S-14/SRA	No
Access Road	Unnamed Tributary to Hudson River	Unmapped	P6-S1	No
60174+50	Unnamed Tributary to Hudson River	Unmapped	S-15/	No
60178+25	Unnamed Tributary to Hudson River	Unmapped	S-16/E	No
60193+50 Access Road	Unnamed Tributary to Hudson River	Unmapped	W-S1	No
60221+25	Unnamed Tributary to Hudson River	Unmapped	S-17	No
61253+25	Unnamed Tributary to Hudson River	C/C	S-18	No
61288+50	Unnamed Tributary to Hudson River	C/C	S-19	No
61292+50	Unnamed Tributary to Hudson River	Unmapped	S-20	No
61310+00	Unnamed Tributary to Hudson River	C/C	G-S3	No
61332+25	Unnamed Tributary to Hudson River	Unmapped	S-21/TC-S1	No
61338+00	Unnamed Tributary to Hudson River	Unmapped	S-22/TC-S2	No
61339+00	Unnamed Tributary to Hudson River	Unmapped	TC-S3	No

Approximate Station	Receiving Waterbody / Stream Name	NYSDEC Classification	Waterbody Field ID & NYSDEC Regulation	303(d) Segment Impaired
61376+15	Hannacrois Creek	C/C(T)	S-23a	No
61389+50	Unnamed Tributary to Hudson River	Unmapped	G-SF-S2	No
61392+00	Unnamed Tributary to Hudson River	Unmapped	G-SF-S1	No
62427+00	Sickles Creek	C/C	GP6-S3	No
62429+25	Sickles Creek	C/C	S-23	No
62432+00	Sickles Creek	C/C	G-S-37	No
62442+50	Unnamed Tributary to Hudson River	Unmapped	S-24/G-S-38	No
62455+50	Unnamed Tributary to Hudson River	Unmapped	S-25/G-38	No
62465+75	Unnamed Tributary to Hudson River	Unmapped	S-26/K-S1	No
62472+50	Unnamed Tributary to Hudson River	C/C	S-27a/K-S2	No
62477+00 Access Road (Kreitmeir Road)	Unnamed Tributary to Hudson River	Unmapped	G-S-K	No
62482+00	Unnamed Tributary to Hudson River	Unmapped	K-S3	No
62485+00	Unnamed Tributary to Hudson River	Unmapped	K-S4	No
62493+50	Unnamed Tributary to Hudson River	C/C	S-27b	No
62509+50	Unnamed Tributary to Hudson River	Unmapped	S-28	No

Approximate Station	Receiving Waterbody / Stream Name	NYSDEC Classification	Waterbody Field ID & NYSDEC Regulation	303(d) Segment Impaired
62514+00	Unnamed Tributary to Hudson River	C/C	S-29	No
62537+00	Unnamed Tributary to Hudson River	Unmapped	S-32a/	No
62539+00	Unnamed Tributary to Hudson River	Unmapped	VG-S1	No
62579+25	Unnamed Tributary to Hudson River	Unmapped	S-32B	No
Access Road (Van Gurpin Lane)	Unnamed Tributary to Hudson River	C/C	VG-S	No
62599+25	Unnamed Tributary to Hudson River	Unmapped	S-33	No
62610+75	Coxsackie Creek	C/C	S-34	No
62688+00	Unnamed Tributary to Hudson River	Unmapped	G-CS-S1	No
63790+25	Unnamed Tributary to Hudson River	Unmapped	S-36	No
63822+25	Unnamed Tributary to Hudson River	Unmapped	FA-D-BJ	No
63833+25	Murderers Creek	C/C	FA-S-BH	No
63860+50	Unnamed Tributary to Hudson River	Unmapped	FA-D-BN	No
63868+00	Unnamed Tributary to Hudson River	Unmapped	FA-D-BO	No
63873+25	Unnamed Tributary to Hudson River	Unmapped	P6-FA-S1	No
63877+00	Unnamed Tributary to Hudson River	Unmapped	FA-D-BG	No

Approximate Station	Receiving Waterbody / Stream Name	NYSDEC Classification	Waterbody Field ID & NYSDEC Regulation	303(d) Segment Impaired
63887+50	Unnamed Tributary to Hudson River	Unmapped	FA-S-BL/	No
63900+00	Unnamed Tributary to Hudson River	Unmapped	FA-D-BE	No
63960+50	Unnamed Tributary to Hudson River	Unmapped	FA-D-AY	No
64047+50	Unnamed Tributary to Hudson River	Unmapped	FA-D-BA	No
64061+00	Unnamed Tributary to Hudson River	Unmapped	P6-S3	No
6408+25	Corlaer Kill	C/C	P6-S2	No
64109+00	Unnamed Tributary to Hudson River	Unmapped	P6-S4	No
64109+50	Unnamed Tributary to Hudson River	Unmapped	FA-S-AQ	No

4.0 CONTROLS

4.1 Pre-Construction

Prior to construction, the Owner shall have the Contractors and subcontractors identify at least one (1) person from their company who meets the requirements of a Trained Contractor. A Trained Contractor will be responsible for installing, constructing, repairing, and replacing the erosion and sediment control (ESC) practices.

In addition, the Trained Contractor will be responsible for the implementation of the Stormwater Pollution Prevention Plan (SWPPP) and the inspection and maintenance in accordance with the New York Standards and Specifications for Erosion & Sediment Control (Blue Book). The Owner's Representative shall ensure that at least one (1) Trained Contractor is on-site daily when soil disturbance activities are being performed. The Trained Contractor shall inspect the site's ESC practices daily to ensure these facilities are operational. Pre-construction requirements to be followed by the Owner and Contractors prior to the commencement of any construction activities are described in Appendix F.

4.2 Timing of Controls / Measures

The ESC measures will be constructed prior to clearing or grading of any portion of the project. Where land disturbance is necessary, temporary seeding or mulching must be used on areas which will be exposed for more than fourteen (14) days. Permanent stabilization should be performed as soon as possible after completion of grading. Erosion control devices will remain in place until disturbed areas are permanently stabilized. The soil stabilization measures selected will be in conformance with the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control (Blue Book).

4.3 Erosion and Sediment Controls / Stabilization Practice

Applicable ESC measures and details are bound separately. Specific final stabilization methods are provided within the plan Construction Documents.

4.3.1 *Temporary Stabilization*

Topsoil stockpiles, staging areas, and disturbed pervious portions of the project area where active construction temporarily ceases for at least 14 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area.

Any seeding method may be used that will provide uniform application of seed to the area and result in relatively good soil to seed contact. Area must be free of large rocks and debris and seeded within 24 hours of disturbance or scarification of the soil surface will be necessary prior to seeding. Fertilizer or lime is not typically used for temporary plantings.

Mulch will be applied in conjunction with seeding and applied at the rate of 90 lbs per 1000 square feet. Mulch will be reapplied as necessary. Areas of the project area, which are to be paved, will be temporarily stabilized by applying temporary gravel subbase until pavement can be applied.

4.3.2 *Permanent Stabilization*

Disturbed portions of the project area where construction activities permanently cease will be stabilized with permanent seed no later than fourteen (14) days after the last construction activity. Permanent seed mix will be in accordance with the project specifications and plans. Construction and maintenance of erosion and siltation control measures are in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Blue Book).

Where construction activities are complete over areas to be permanently vegetated, permanent seeding will be stabilized. The seeding dates will be verified with the engineer. If the engineer determines that seed cannot be applied due to the climate, topsoil will not be spread, and mulching will be applied to the exposed surface to stabilize soils until the next recommended seeding period. Other project areas (impervious areas) will be permanently stabilized with pavement, concrete, gravel, or building structures during restoration of surfaces.

4.4 Winter Operations

If construction activities proceed through the winter season, access points will be enlarged and stabilized to provide for snow stockpiling. Drainage structures will be kept open and free of potential snow and ice dams. Inspection and maintenance are necessary to ensure the function of these practices during runoff events. For sites where construction activities temporarily cease, temporary and/or permanent soil stabilization measures will be installed within three (3) days from the date the soil disturbing activity ceased. If work is performed between November 1 and April 15, the project must comply with the Winter Stabilization Standard (Blue Book). Disturbed areas will be stabilized with seed and mulch, or other approved methods, even if the ground is covered by significant amounts of snow. Winter rye should be used for stabilization (90-lbs per acre).

4.4.1 *Winter Shutdown*

Site inspections (by the qualified inspector) may be decreased to a minimum of one (1) time every thirty (30) days for sites where soil disturbing activities have been suspended temporarily, and all disturbed areas have been stabilized temporarily with an approved method. Inlet protection should be installed and/or repaired before shutdown of the site. The owner or operator will provide written notification to the respective DEC regional office prior to reducing the frequency of any site inspections.

4.5 Final Site Inspection

The qualified inspector will perform a final inspection of the site to certify that:

- All disturbed areas have achieved final stabilization.

- Temporary erosion and sediment control practices have been removed; and
- Post-construction stormwater management practices (if required) have been constructed in conformance with the SWPPP.

Upon satisfactory completion of the final site inspection, the qualified inspector will sign the appropriate sections of the Notice of Termination (NOT) form.

4.6 Other Controls

4.6.1 *Waste Disposal*

The Certificate Holders must adhere to CSX Transportation's (CSX) waste management policies. All waste must be removed from the project site in a timely manner. It is the policy of CSM that all materials discarded by or on behalf of CSX will be managed in accordance with local, state, and federal regulations as well as CSX's best management practices and sustainability goals. To ensure that these goals are achieved, CSX has mechanisms in place to monitor waste management activities, capture the information necessary to ensure total compliance with local, state, and federal requirements all the time, and track progress in the CSX sustainability program.

Prior to disposal, recycling, or reuse, a CSX authorization number for transportation and disposal of all waste types (i.e., hazardous, non-hazardous, special, etc.) must be obtained from the CSX Manager Environmental Programs and included on the disposal manifest or Bill of Lading (BOL).

In addition to waste disposal, as required by New York State law, within two (2) hours of discovery of a spill, the NYSDEC shall be notified at the NYSDEC Spill Hotline 1-800-457-7362 unless the spill meets all the following criteria:

1. The quantity is known to be less than five gallons; and
2. The spill is contained and under the control of the spiller; and
3. The spill has not and will not reach New York State water and land (soil); and
4. The spill is cleaned up within two hours of discovery.

4.6.1.2 Solid Waste

Waste materials will be collected and stored in a secured area until removal and disposal by a licensed solid waste management company. All trash and construction debris from the project area will be disposed of in a portable container unit (dumpster). No waste materials will be buried. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the project trailer and the individual who manages day-to-day project operations will be responsible for seeing that these procedures are followed.

4.6.1.3 Petroleum Impacted Waste

During excavation activities, and while utilizing the laydown and staging facility, there is the potential that petroleum impacted soils may be encountered. If field evidence of contamination is identified during the project, potentially contaminated soils will be segregated and stockpiled on polyethylene sheeting and covered in a predetermined staging area. The potentially impacted, stockpiled soils will then be sampled to determine if the soils are suitable for use as clean backfill. In the event that the soils are not suitable for re-use, the contaminated soil will be properly characterized and disposed of at an off-site NYSDEC permitted facility in accordance with the Soil Management Plan. The excavation will then be backfilled with clean, imported fill.

4.6.1.4 Hazardous Waste

All hazardous waste materials shall be disposed of in a manner specified by local or state regulations or by the manufacturer. Project personnel shall be instructed in these practices and the individual who manages day-to-day project operations shall be responsible for seeing that these practices are followed.

4.6.1.5 Sanitary Waste

Any sanitary waste from portable units shall be collected from the portable units by a licensed sanitary waste management contractor, as required by NYSDEC regulations.

4.6.2 *Soil Reuse and Disposal*

The Certificate Holders must adhere to CSX Transportation's (CSX) soil management policies. CSX requires soil generated from its property to either be properly disposed in a CSX approved disposal facility or reused on CSX property. The management of soils generated from CSX property should be planned for and properly permitted (as applicable) prior to initiating any work on CSX property.

Soil Reuse

CSX Environmental Department must review and approve reuse of soil on CSX property.

Soil Disposal

If the soil cannot be reused on CSX property, it must be properly disposed of at a CSX approved disposal facility. CSX prohibits any contractor from taking soil for off property reuse. CSX Environmental Department will handle waste characterization and profiling into an approved disposal facility. CSX prohibits any environmental sampling on its property unless granted through a written Environmental Right of Entry or approved in writing by the CSX Environmental Department.

4.6.3 *Sediment Tracking by Vehicles*

A stabilized construction entrance will be installed for each construction entrance and or exit of the construction area and maintained as necessary to help reduce vehicular tracking of sediment. The

entrance will be cleaned of sediment and redressed when voids in the crushed stone become filled and vehicular tracking of sediment is occurring. Stabilized construction entrances will not be installed in wetland areas or where wetland matting is utilized. The contractor shall maintain a stockpile of material to replenish the construction entrance on site. Dump trucks hauling materials to and from the construction project area will be covered with a tarpaulin to reduce dust. Any sediment and debris tracked from work areas along project adjacent roadways will be immediately removed with a street sweeper or equivalent sweeping method. Further, sweeping of streets adjacent to disturbed areas will be performed prior to the end of each workday (at a minimum) when tracking of sediment is occurring.

4.6.4 Non-Stormwater Discharges

Non-stormwater discharges are not expected to exit the project area during construction.

4.7 Certification of Compliance with Local, State, and Federal Regulations

The SWPPP reflects the New York State requirements for stormwater management and ESC³. To ensure compliance, this plan was prepared in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Blue Book).

The Certificate Holders have obtained a wetland permit from and are continuing to coordinate with the United States Army Corps of Engineers (USACE) to ensure that all Project construction will minimize waterbody impact and will comply with all the requirements of Permit NAN-2009-01089-M4 and all approved permit modifications.

The Project is subject to review of one (1) MS4 community located in the proposed project work area. An MS4 permit and other applicable materials will be included.

³ *The Stormwater Management design and Erosion and Sediment Control (ESC) were prepared and certified by KC Engineering. ESC plans included in Appendix L. See KC Engineering SWPPP Preparer Form in Appendix H.*

5.0 POST-CONSTRUCTION STORMWATER MANAGEMENT⁴

The proposed project has been designed in accordance with the New York State Stormwater Management Design Manual (January 2015) and the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001). According to General Permit GP-0-20-001, Appendix B, Table 1, any construction activities that involve only installation of underground, linear utility, and vegetated open space projects (i.e., recreational parks, lawns, meadows, fields) that do not alter hydrology from pre to post development conditions, will require a Stormwater Pollution Prevention Plan (SWPPP) that only includes erosion and sediment control (ESC) and weekly field inspections during construction.

The proposed project contains no increase in impervious areas, and it is not anticipated to contribute a significant pollutant load within the watershed or to downstream waterbodies. Peak flow mitigation and water quality treatment are not included as a part of this project, and post-construction stormwater management practices are not proposed. Detailed ESC measures have been developed and will be implemented during construction to stabilize disturbed areas.

5.1 Floodplains

Based on a review of the FEMA Flood Insurance Rate Maps for the municipalities within the project area, various portions of the proposed project work area are located within the 100-year flood plain. No Base Flood Elevation (BFE) adjustment is required. Associated FEMA FIRM maps are included in Appendix G.

⁴ Certified by KC Engineering. See KC Engineering SWPPP Preparer Form in Appendix H.

6.0 MAINTENANCE/INSPECTION PROCEDURES

6.1 Erosion and Sediment Control Inspection and Maintenance Practices

These are the minimum required inspection and maintenance practices that will be used to maintain erosion and sediment control (ESC):

6.1.1 General Requirements

- A copy of the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001), the signed NOI, NOI acknowledgement letter, Stormwater Pollution Prevention Plan (SWPPP), Municipal Separate Storm Sewer System (MS4) SWPPP Acceptance Form, and the inspection reports will be maintained onsite until the site has achieved final stabilization.
- If used, built up sediment will be removed from any silt fence when it has reached one-third the height of the fence / dike.
- If used, sediment fencing will be inspected for depth of sediment, and tears, to see if fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- The construction entrance will be cleared of sediment and redressed when voids in the crushed stone become filled and vehicular tracking of sediment is occurring.
- The contractor shall maintain a stockpile of material to replenish the construction entrance on site.
- Dust will be controlled on access points and other disturbed areas subject to surface dust movement and blowing.
- Inspection must verify that all practices are adequately operational, maintained properly and that sediment is removed from all control structures.
- Inspection must look for evidence of soil erosion on the site, potential of pollutants entering drainage systems, problems at the discharge points, and signs of soil and mud transport from the site to the public road.
- During each workday, all erosion control devices will be inspected in each work area and repaired (if necessary) to ensure proper functioning.
- Inlet protection will be provided to prevent sediment-laden runoff from entering adjacent drainage systems. Within State highway right-of-way, inlet protection will be provided in accordance with the Highway Design Manual and the highway work permit issued by NYSDOT. Alternatively, with approval of DPS and NYSDEC, silt sacks may be used. Inlet protection will be inspected after every major rain event.

6.1.2 *Owner / Operator Inspection Requirements*

- Prior to construction activity, the Certificate Holders will have contractors and subcontractors identify a trained individual responsible for the implementation of the SWPPP. The trained individual must be on-site daily when soil disturbing activities are occurring.
- The Certificate Holders will inspect the ESC measures as identified in the SWPPP to ensure that they are always maintained in effective operating conditions. Where soil disturbing activities temporarily cease (i.e. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the owner / operator can stop conducting inspections. The owner / operator will resume inspections when soil disturbing activities begin again.
- Where soil disturbing activities have ceased with partial project completion, the owner / operator can stop conducting inspections when disturbed areas have reached final stabilization. All post construction stormwater management practices required for the completed areas will have been constructed in conformance with the SWPPP and be fully operational. Final stabilization means that all soil disturbance activities have ceased and a uniform, vegetative cover with a density of 80% over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock riprap or washed / crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete, or pavement.
- The Certificate Holders will notify the NYSDEC Regional Office's stormwater contact person and Department of Public Service (DPS) Staff prior to any reduction in the frequency of site inspections.
- The Certificate Holders will retain copies of the NOI, NOI acknowledgement letter, SWPPP, MS4 SWPPP acceptance form, and any inspection reports submitted in conjunction with this permit and records, or all data used to complete the NOI to be covered by this permit for a period of at least five (5) years from the date that the site is finally stabilized. Copies of the NOI and NOI acknowledgement letter are included in Appendix H.

6.1.3 *Qualified Inspector Inspection Requirements*

- The qualified inspector will be knowledgeable in the principles and practices of ESC, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), licensed Landscape Architect, or other Department endorsed individual(s). It may mean someone working under the direct supervision of the licensed Professional Engineer or licensed Landscape Architect if the person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion control means the person has received four (4) hours of training endorsed by the Department and will receive four (4) hours of training every three (3) years after the initial training.

- A site inspection will be conducted at least once every seven (7) days by the qualified inspector when soil disturbing activities are occurring.
- If any repairs or corrective actions are necessary, it is the responsibility of the qualified inspector to notify the owner / operator and appropriate contractor within one business day. The contractor will begin implementing the corrective action within one business day of being notified.
- All inspection forms must be signed by a qualified inspector.
- For construction sites where soil disturbing activities are temporarily suspended, temporary stabilization measures will be applied, and the qualified inspector will conduct a site inspection at least once every thirty (30) calendar days.
- Where soil disturbing activities have ceased with partial project completion the qualified inspector can stop conducting inspections when disturbed areas have reached final stabilization and all post construction stormwater management practices required for the completed areas have been constructed in conformance with the SWPPP and are fully operational.
- Where soil disturbing activities are not resumed within two (2) years from the date of shut down of partial project completion, the qualified inspector will perform a final inspection and certify that all disturbed areas have achieved final stabilization, all temporary and permanent erosion control measures have been removed, and post-construction stormwater management practices have been constructed in conformance with the SWPPP. The qualified inspector will sign the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the Notice of Termination (NOT). A copy of the NOT is included in Appendix I.
- The MS4 is to be contacted on any notices the contractor receives if repairs or corrective action is necessary, as well as when the contractor is in violation of the SPDES permit.

6.1.4 *Dewatering Methods*

All the procedures related to dewatering methods are described in Section 4.4.6. of the Environmental Management and Construction Plan (EM&CP) and Spill Prevention Control & Countermeasures Plan (SPCC) (Appendix K of the EM&CP).

The construction Contractor or applicable subcontractor will be responsible for providing a dewatering system for construction that is of adequate size and capacity to lower and maintain the groundwater at the specified level. The dewatering system will meet the following requirements:

- Utilize portable sediment tanks with elevated and screened intake hoses to withdraw water from the trench and minimize pumping of deposited sediment. Where not practical (i.e.

due to limited space within the road or highway ROW), commercial sediment filter bags may be used. A dewatering hose will be connected to a filter bag placed on the ground surface within a stabilized area. As needed, additional erosion and sediment control (ESC) measures may be installed as determined by the Environmental Inspector. Sediment filter bags will be inspected regularly and disposed of in an upland location at least one hundred (100) feet from a wetland or waterbody. A sediment dewatering bag detail is provided in the attached Plan and Profile plan set (bound separately).

- Trapped sediment collected during dewatering activities shall be managed as excavated soil materials as described in the Soil Management Plan (SMP) included in the EM&CP.
- Include standby pumps and power sources for continuous operation.
- Consist of wellpoints, deep wells, cut-off wells, riser pipes, swing joints, header lines, valves, pumps, discharge lines, and all other necessary fittings, accessories, and equipment for a complete operating system.
- Provide groundwater reading wells or piezometers ("observation wellpoints") to monitor the groundwater level as indicated on the approved Plan and Profile plans (bound separately) or as directed by the Certificate Holders.

The dewatering system will be kept in continuous operation from the time excavation is started in the dewatering area (or before if required by site conditions to lower groundwater to the elevations specified on the Plan and Profile plans) until the time backfilling is completed at least two (2) feet above the normal groundwater level.

All water removed from the excavation will be conveyed in a closed conduit. No trench excavations will be used as temporary drainage ditches. All water removed from the excavation will be disposed of by the construction Contractor in a manner that does not endanger public health, property, or any portion of the Project under construction or completed. Water disposal will not cause erosion or sedimentation to occur in existing wetlands or waterbodies. If dewatering is causing erosion:

- Move dewatering controls installed on steep slopes to a flatter area.
- Install outlet protection or a velocity dissipation device.
- Move the discharge location (if possible) to a stable, erosion-resistant surface (i.e., well-vegetated grassy areas, clean filter stone, geotextile underlayment).
- Check for leaking pumps, hoses, and pipe connections and fix if identified.

As stated in BMP, spoils shall be stockpiled separately, within the right-of way, away from stormwater conveyance areas in a manner that prevents erosion, within a straw bale / silt fence barrier. Refer to the SMP included in the EM&CP for further details.

6.1.4.1 Contaminated Groundwater

Responses to contaminated groundwater shall address all exposure pathways that pose an actual or potential risk to human health and the environment. Response actions shall address the actual or potential direct contact risk posed by contaminated groundwater (i.e. human consumption, dermal contact, or inhalation), and shall also consider the potential for the contaminated groundwater to serve as a source of contamination into other media (i.e. sediment, surface water, or wetlands. Common methodologies for cleaning up groundwater contamination include pump and treat, in situ treatment, containment, monitored natural attenuation or alternative water supplies.

If evidence of contamination such as a sediment plume, suspended solids, unusual color, odor, decreased clarity, or foam are observed in or on the dewatering discharge:

- If ongoing construction activity is identified as the pollutant source, install or maintain stormwater control measures between active construction areas and the dewatering operation to minimize the transport of sediment and other pollutants into the dewatering operation.
- If the dewatering control is not operating properly, maintain the dewatering treatment control to remove accumulated sediment and other pollutants. Sediment is typically removed before storage volume is reduced by one-third.
- If a distinct color or odor is observed, look for raw materials, chemicals, or other materials used or stored near the area being dewatered. Move these materials away from the dewatering operation if determined to be the source of color, odor, foam, or sheen.
- If foam is observed, check for and clean up any leaks or spills near the dewatering operation.
- Stop dewatering and evaluate whether the installed dewatering treatment control is the correct treatment control for the site. Visual turbidity may indicate that installed dewatering controls are ineffective for the soil composition or site conditions, are undersized, or were incorrectly installed. Sediment filtration practices, dewatering bag filters, silt fence enclosures, sediment traps, basins are effective at removing larger sediment particles, but fine particles need advanced treatment technology. An undersized or incorrectly installed treatment control may result in the discharge of untreated or partially treated dewatering water. An undersized treatment control will also need more frequent maintenance than a correctly sized one.

If the water surface has a visible sheen or the receiving water has visible oily deposits:

- Check upstream and downstream of the dewatering discharge location to see if a sheen or oily deposits may be coming from a different source such as a spill or other discharge from the site or neighboring property.
- Verify that the dewatering treatment control is equipped with an oil-water separator to remove oil, grease, and other hydrocarbons. If not, add an oil-water separator to the dewatering treatment control.
- If an oil-water separator is already in place, perform any necessary maintenance to ensure that it is operating properly.

6.1.4.2 Dust Control

The Certificate Holders and all Contractors will take appropriate measures to minimize fugitive dust and airborne debris from construction activity associated with construction. Dust control will be controlled as needed based on site conditions. Only plain water will be used for dust suppression. Stabilized construction entrances for dust control will be consistent with NYSDEC stabilized construction entrance requirements. All applicable regulations and standards related to dust control will be followed per the New York State Standards and Specifications for Erosion and Sediment Control ("Blue Book") for dust control, pages 2.25.

7.0 INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be within the project area during construction:

- Bituminous asphalt
- Compost filter sock
- Fertilization / seeding materials
- HDD fluid
- Hydraulic fluid conductor
- Lumber
- Matting
- Pavement marking paint
- Petroleum-based products
- Portland cement concrete
- PVC pipe
- PVC pipe assembly primer
- PVC pipe assembly glue
- Rolled matting
- Stone
- Silt fence fabric

8.0 SPILL PREVENTION

The following section describes the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff.

8.1 Good Housekeeping

The following good housekeeping practices will be followed within project areas during construction:

- An effort will be made to store only enough products required to do the job.
- All materials stored within project areas will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substance will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all the products will be used up before disposing of the container.
- Manufacturer's recommendations for proper use and disposal will be followed.
- The project superintendent will inspect daily to ensure proper use and disposal of materials.

8.2 Hazardous Products

These practices are used to reduce the risks associated with hazardous materials, in addition to the procedures described in the Spill Prevention Control and Countermeasures Plan located in Appendix K of the EM&CP:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained.
- If surplus product must be disposed of, manufacturers' or local and state recommended methods of proper disposal will be followed.
- Material Safety Data Sheets for all hazardous products will be within the project area for the duration of construction.

8.3 Product Specific Practices

The following product-specific practices will be followed within the project areas:

8.3.1 *Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals*

All fuel, hydraulic fluids, petroleum products, and other chemicals will be stored in tightly sealed containers in accordance with the Project Health and Safety Plan (HASp). These materials will be removed from the site and disposed of in a legal manner in compliance with applicable New York City, New York State, and Federal Laws. Project related vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Any asphalt substances used during construction will be applied according to the manufacturer's recommendations.

Petroleum and Chemical handling procedures are outlined in the Spill Prevention Control Countermeasures Plan (SPCC) found in Appendix K of the EM&CP. These procedures will be used

to minimize the potential for spills of petroleum and hazardous substances, or other materials, that have the potential to pollute the environment and the response measures that will be implemented to contain, clean-up and dispose of any spilled substances during construction. The Certificate Holder will keep required parties apprised of on-site chemicals and waste stored within one hundred (100) feet of their CI or service area. These required parties include Local Fire Departments, Emergency Management Teams, and owners and operators of CI.

Prohibition during overland construction refueling of equipment, storage mixing, or handling of open containers of pesticides, chemicals labeled "toxic," or petroleum products, within one hundred (100) feet of a stream or waterbody or wetland. Field personnel and Contractors will be trained in spill response procedures, including the deployment and maintenance of spill response materials.

Employment of precautions, when not feasible to move the affected vehicle or equipment from an environmentally sensitive area to a suitable access area (i.e., pumping equipment), to prevent petroleum products or hazardous materials from being released into the environment. These precautions include (but are not limited to) deployment of portable basins or similar secondary containment devices, use of ground covers (such as plastic tarpaulins), and precautionary placement of floating booms on nearby surface waterbodies.

8.3.2 *Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials*

Any pesticides, herbicides, insecticides, fertilizers, or other landscape materials used will be applied only in the minimum amounts recommended by the manufacturer and all applicable New York City, New York State, and Federal Laws. Once applied, they will be worked into the soil to limit exposure to stormwater. All materials will be stored, covered, and isolated to prevent runoff and contamination of groundwater and surface waters. Information regarding proper handling, spill response, spill kit location, and emergency actions will be distributed and available to all construction personnel.

8.3.3 *Paints*

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instruction or New York City, New York State, and Federal Laws.

8.4 Concrete Trucks

Concrete trucks will be allowed to wash out within project areas provided that the contractor provides an area which collects and contains any concrete / slurry material washed from trucks for recovery and disposal later. No concrete / slurry will be discharged from the property at any time during construction. If such washing is anticipated, the contractor will submit a plan detailing the control of concrete / slurry to the engineer for approval.

8.5 Watercourse Protection

Construction operation will be conducted in such a manner as to prevent damage to watercourses from pollution of debris, sediment, or other foreign material, or from manipulation, from equipment and / or materials in or near the watercourse. The contractor will not return directly to the watercourse any water used for wash purposes or other similar operations which may cause the water to become polluted with sand, silt, cement, oil, or other impurities. If the contractor uses water from the watercourse, the contractor will construct an intake or temporary dam to protect and maintain watercourse water quality.

Concrete washouts shall be located in designated areas only and at a minimum of one hundred (100) feet from all wetlands, waterbodies, and drainage structures, as well as inspected after each use. Material in washout structures or containers will be removed when they reach seventy-five (75) percent capacity.

8.6 Spill Control Practices

Spill response and mitigation procedures will be implemented in the case of any accidental spills of chemical, fuel, or other toxic materials, as identified in Section 5.0 of the Environmental Management and Construction Plan (EM&CP). The spill response and cleanup procedures are outlined and described in the Spill Prevention, Control and Countermeasures Plan (SPCC) in Appendix K of the EM&CP. In accordance with local and NYSDEC regulations, the SPCC includes procedures to:

- Reduce stormwater contact if there is a spill.
- Contain the spill.
- Stop the source of the spill.
- Dispose of contaminated material in accordance with manufacturer's procedures and NYSDEC regulations.
- Identify responsible and trained personnel.
- Ensure the spill area is well ventilated.

The Certificate Holders will notify DPS Staff and the New York State Department of Environmental Conservation ("NYSDEC") immediately of any petroleum product spills. The Certificate Holders will also notify owners and operators of Co-located Infrastructure (CI) of any petroleum product spills within one hundred (100) feet of their CI.

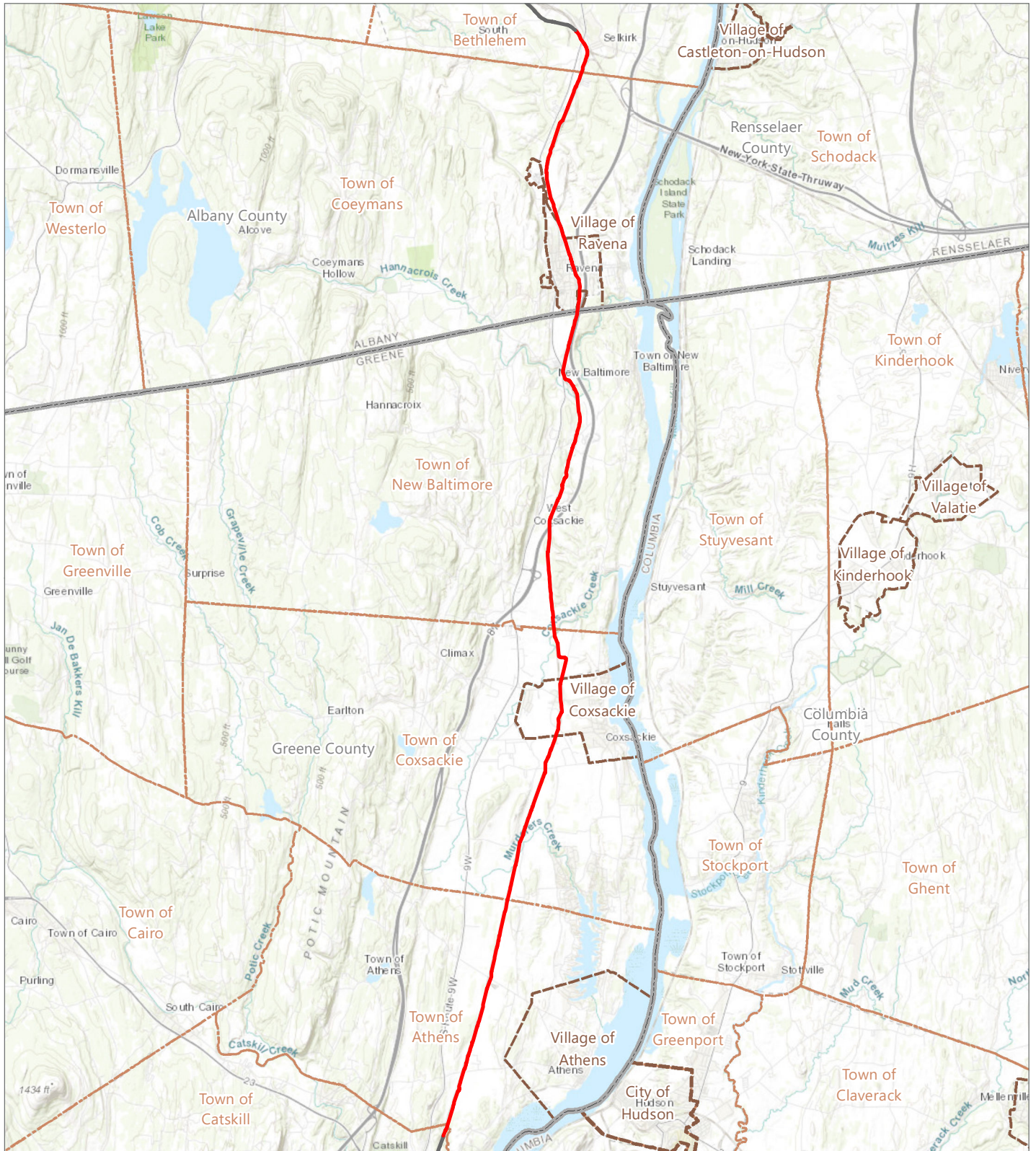
9.0 UPDATING THE SWPPP

The Stormwater Pollution Prevention Plan (SWPPP) will be updated / revised as conditions merit or as directed by the regulating authority. A copy of the Stormwater Construction Site Inspection Report is included in Appendix J. The inspection forms allow for the certification of any updates / revisions.

The SWPPP will be amended when modifications to the design, construction, operation, or maintenance of the project have been or will occur which could have an effect of the potential for discharge of pollutants in stormwater runoff. Amendments will be documented within Appendix K.

Appendix A
Site Location Map

Project Location - Package 6

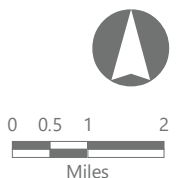
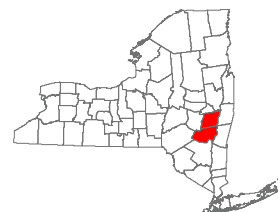


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Package 6
- Project Alignment



Appendix B

SPDES General Permit for Stormwater Discharges
from Construction Activity
Permit No. GP-0-20-001



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

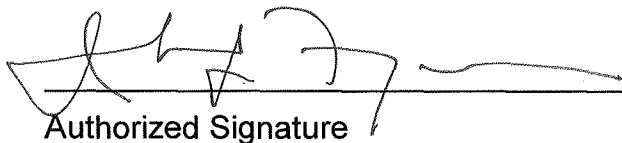
Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator



Authorized Signature

1-23-20
Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System (“NPDES”)* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of “*construction activity*”, as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES**

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Part 1. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges to surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants to surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

- a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge of pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:
- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
 - (ii) Control stormwater *discharges*, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;
 - (iii) *Minimize* the amount of soil exposed during *construction activity*;
 - (iv) *Minimize* the disturbance of *steep slopes*;
 - (v) *Minimize* sediment *discharges* from the site;
 - (vi) Provide and maintain *natural buffers* around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
 - (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;
 - (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
 - (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.
- b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

- c. **Dewatering.** *Discharges* from *dewatering* activities, including *discharges* from *dewatering* of trenches and excavations, must be managed by appropriate control measures.
- d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:
 - (i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;
 - (ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and
 - (iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.
- e. **Prohibited Discharges.** The following *discharges* are prohibited:
 - (i) Wastewater from washout of concrete;
 - (ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
 - (iv) Soaps or solvents used in vehicle and equipment washing; and
 - (v) Toxic or hazardous substances from a spill or other release.
- f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices (“SMPs”) are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume (“RRv”): Reduce the total Water Quality Volume (“WQv”) by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual.

The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (“Cpv”): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site discharges directly to tidal waters, or fifth order or larger streams.
- (iv) *Overbank* Flood Control Criteria (“Qp”): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site discharges directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that *overbank* control is not required.
- (v) Extreme Flood Control Criteria (“Qf”): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site discharges directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that *overbank* control is not required.

b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watershed

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that *overbank* control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that *overbank* control is not required.

c. Sizing Criteria for Redevelopment Activity

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.
 - (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
 - (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
 - (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
 - (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) Overbank Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges*; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: “Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned”; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharges* from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.
7. *Construction activities* for linear transportation projects and linear utility projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
- a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
 - 1-5 acres of disturbance - 20 feet
 - 5-20 acres of disturbance - 50 feet
 - 20+ acres of disturbance - 100 feet, or
 - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
 - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
 - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
 - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
 - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

- (i) No Affect
- (ii) No Adverse Affect
- (iii) Executed Memorandum of Agreement, or

d. Documentation that:

- (i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.
2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.
3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of Owner or Operator) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*. This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

**NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, New York 12233-3505**

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.
3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
 - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act* ("UPA") (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain UPA permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

- c. the final SWPPP has been prepared, and
 - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:
- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or
 - (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;
 - (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed “MS4 SWPPP Acceptance” form, or
 - (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed “MS4 SWPPP Acceptance” form.
- 4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. General Requirements For Owners or Operators With Permit Coverage

- 1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (“NOT”) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
- 2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor’s or subcontractor’s certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
- 3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*

use control MS4, the regulated, traditional land use control MS4 (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

- a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..
 5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
 6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of a *construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4*, the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.
2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.
3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

operator was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:
 - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

- b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority; and
 - d. to document the final construction conditions.
5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.
6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with

the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
 - a. Background information about the scope of the project, including the location, type and size of project

- b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
- c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
- d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

- j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;
 - (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
- e. Infiltration test results, when required; and
- f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators of construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators of the construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
 - Certified Professional in Erosion and Sediment Control (CPESC),
 - New York State Erosion and Sediment Control Certificate Program holder
 - Registered Landscape Architect, or
 - someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].
1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
 - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located

in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

- b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
- a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
 - b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice*” certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.
 - e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
- 3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.
 - 4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

- a. Date and time of inspection;
- b. Name and title of person(s) performing inspection;
- c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
- d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
- e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
- f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
- g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
- h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;
- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
- j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
- k. Identification and status of all corrective actions that were required by previous inspection; and

- I. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.
2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
 - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

- b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
 - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.F. of this permit.
 - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the “*Final Stabilization*” and “Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the “MS4 Acceptance” statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector’s* final site inspection certification(s) required in Part V.A.3. of this permit.
5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
- a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

- b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
- c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
- d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water

Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:
 - a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) the chief executive officer of the agency, or
 - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall

include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the owner or operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property – means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State” prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both “sewage” and “stormwater”.

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for “*Construction Activity(ies)*” also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for “*Commence (Commencement of) Construction Activities*” and “*Larger Common Plan of Development or Sale*” also.

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a *construction site* by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system

and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or *point source*.

Embankment – means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department’s rules and regulations for definition of terms and requirements.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Natural Buffer – means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the “Required Elements” sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank Flood* (Qp), and *Extreme Flood* (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area designated on the current United States Department of Agriculture (“USDA”) Soil Survey as Soil Slope Phase “D”, (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and *nonpoint sources*. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for *point source* discharges, load allocations (LAs) for *nonpoint sources*, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B – Required SWPPP Components by Project Type

Table 1
Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none">• Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E• Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E• Construction of a barn or other <i>agricultural building</i>, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <p>All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.</p>
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none">• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects• Pond construction• Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover• Cross-country ski trails and walking/hiking trails• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.• Slope stabilization projects• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

**Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established, and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family home that disturbs five (5) or more acres of land
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

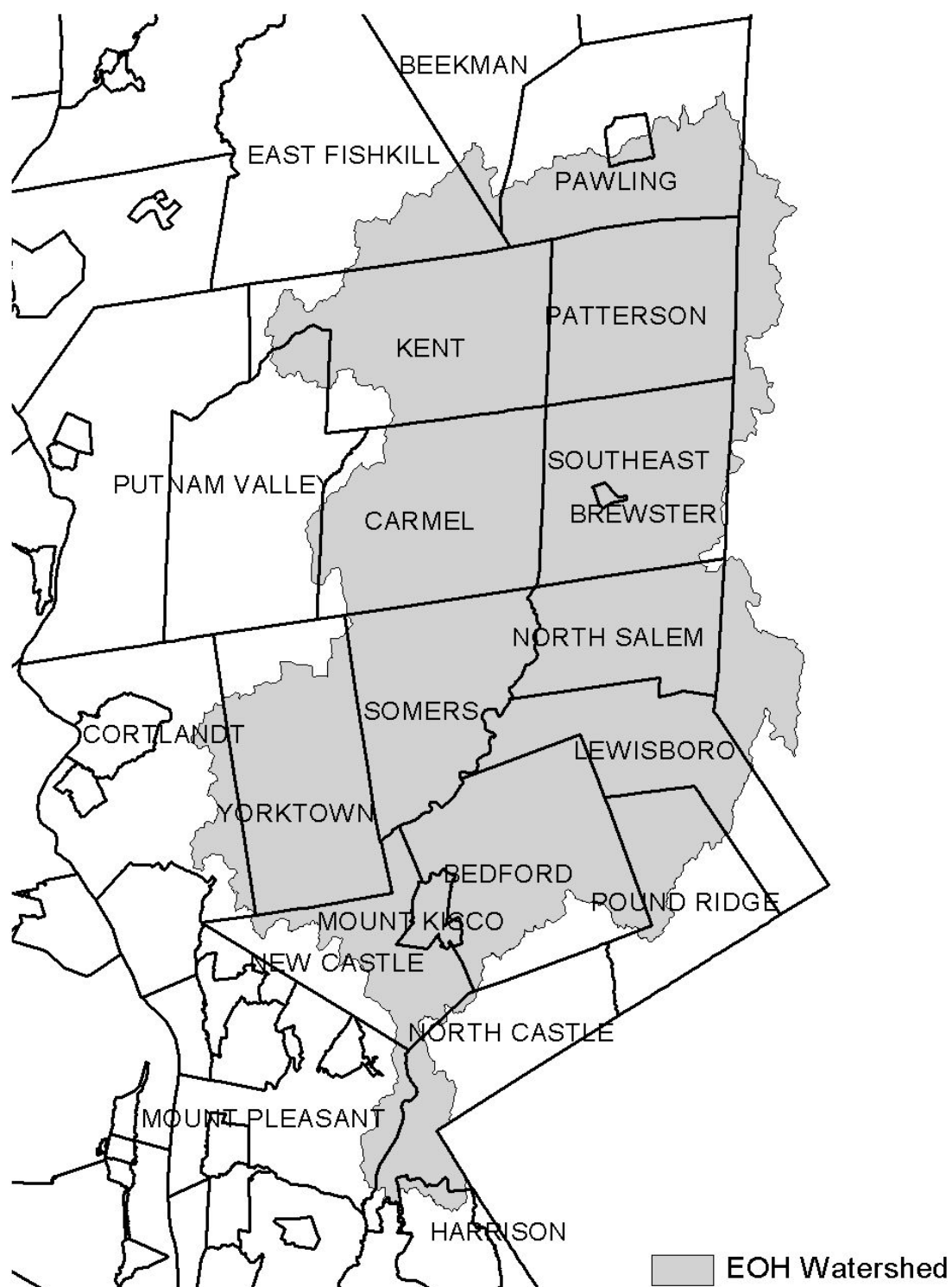
Figure 1 - New York City Watershed East of the Hudson

Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

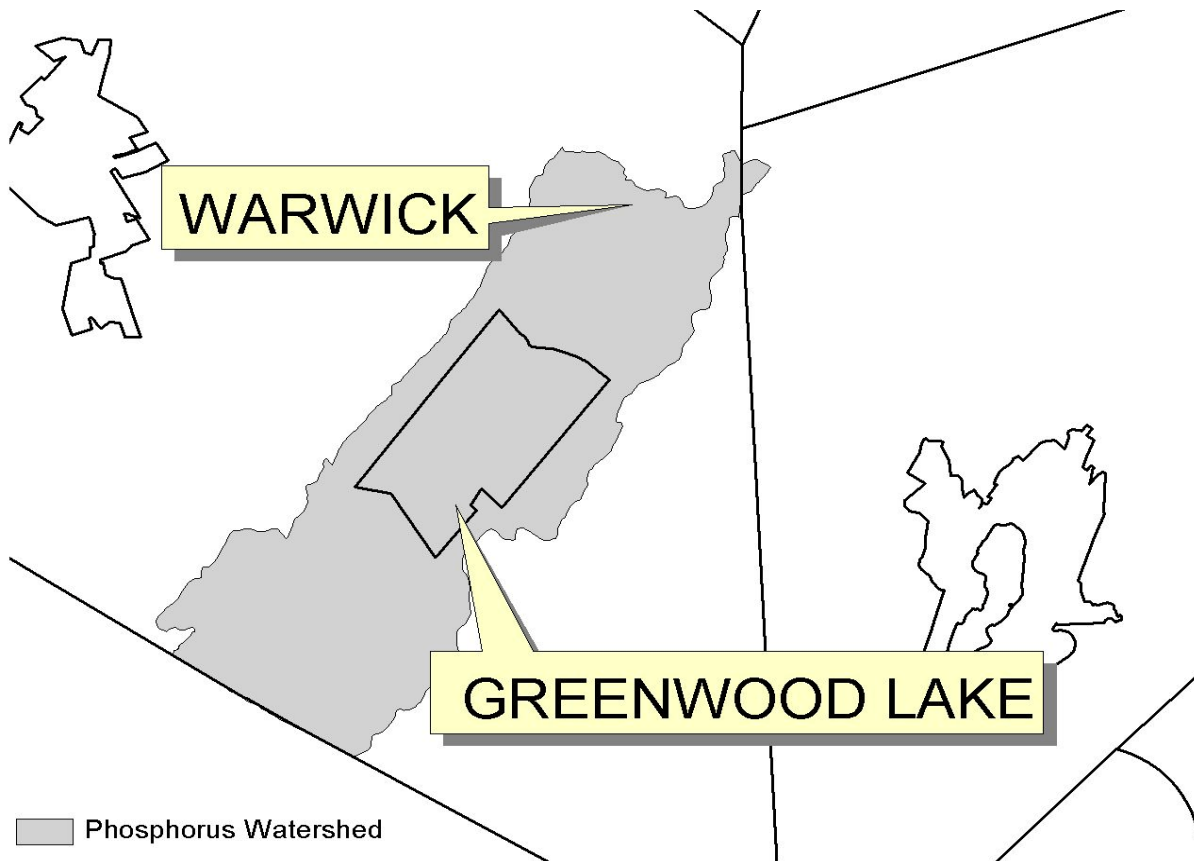


Figure 4 - Oscawana Lake Watershed

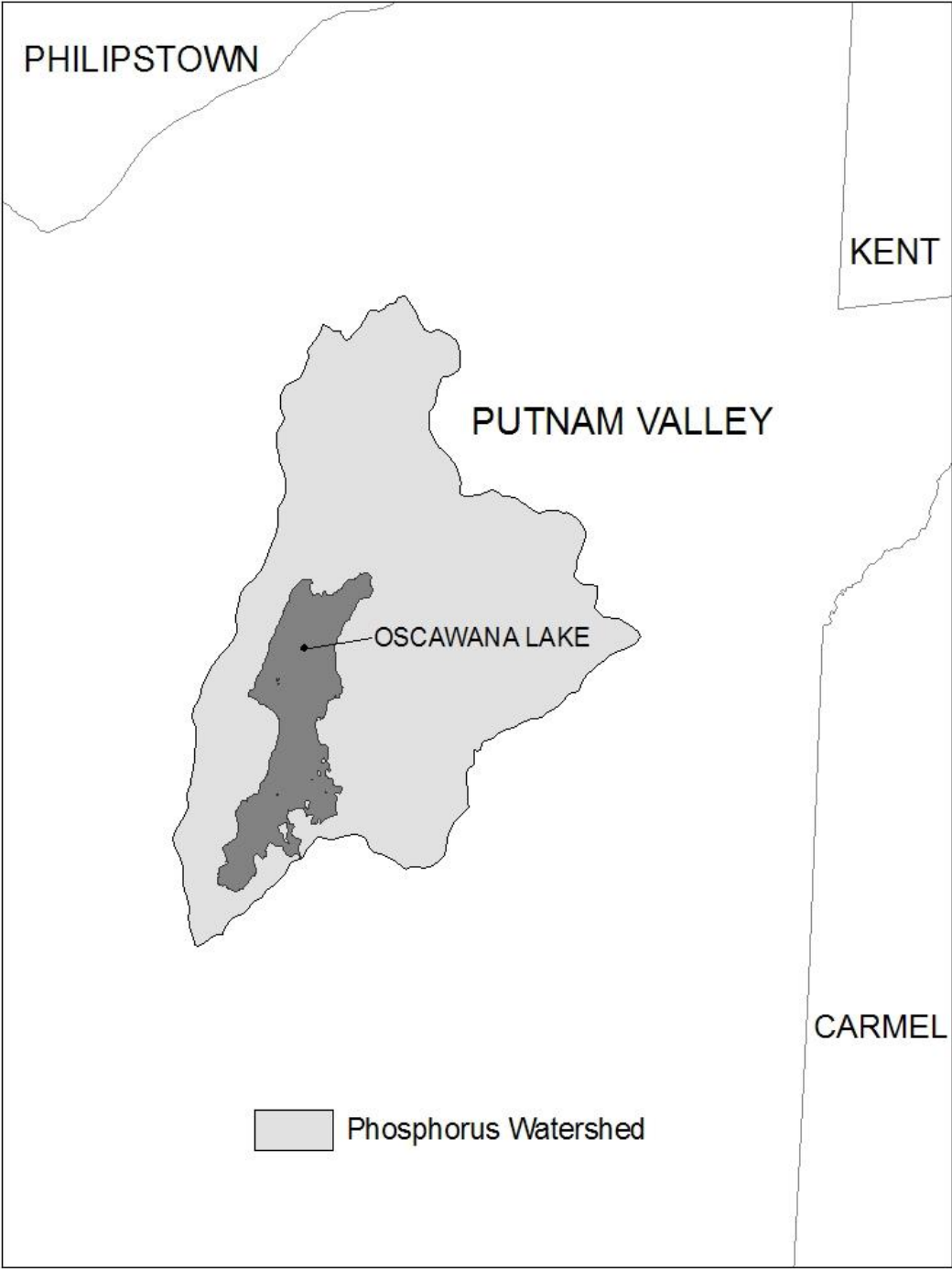
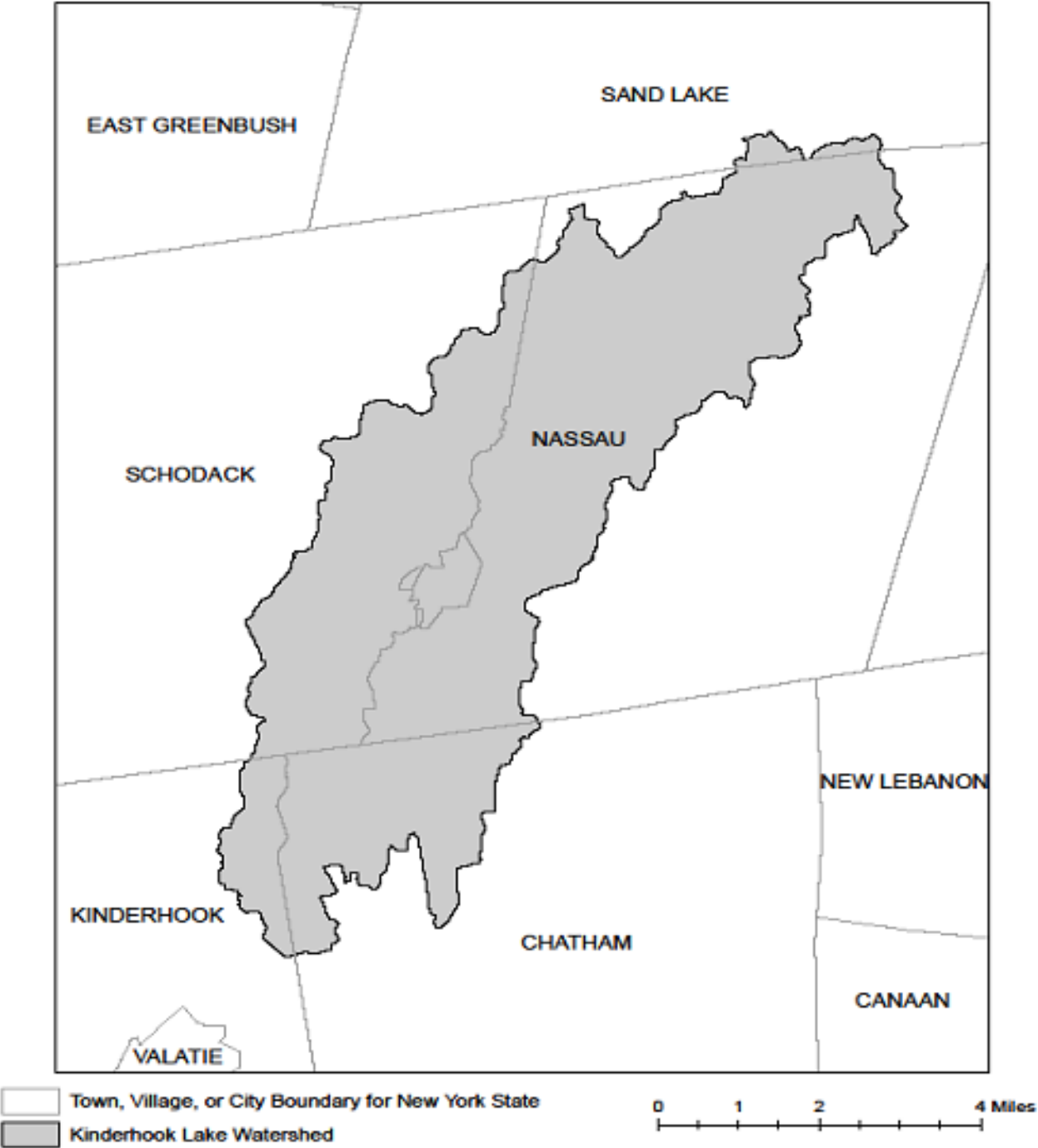


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C
--

APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribes to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

APPENDIX F – List of NYS DEC Regional Offices

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

Appendix C

Soil Maps & Descriptions

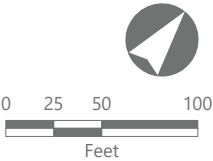


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- EnA - Elnora loamy fine sand, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area





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Albany and Greene Counties, New York

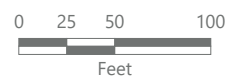
SWPPP Report

Soil Type

■ EnA - Elnora loamy fine sand, 0 to 3 percent slopes

■ Mapped Soil Boundary

■ Project Area



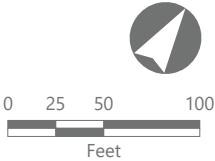


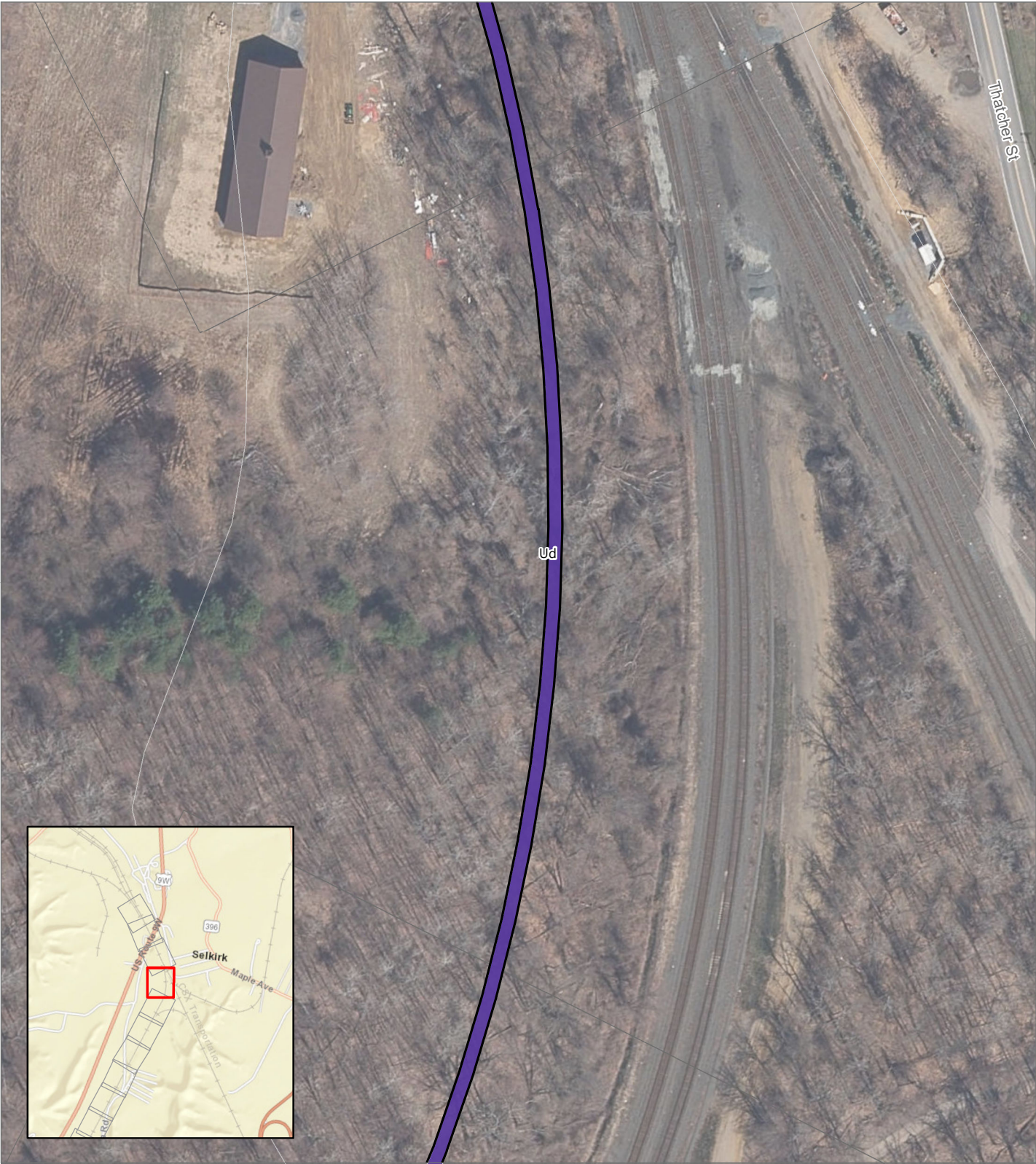
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- EnA - Elnora loamy fine sand, 0 to 3 percent slopes
 - Ud - Udipsamments, smoothed
 - Mapped Soil Boundary
 - Project Area



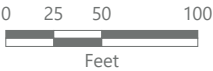


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- Ud - Udipsamments, smoothed
 - Mapped Soil Boundary
 - Project Area



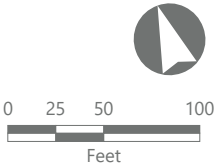


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- EnA - Elnora loamy fine sand, 0 to 3 percent slopes
 - Ud - Udipsamments, smoothed
 - Mapped Soil Boundary
 - Project Area



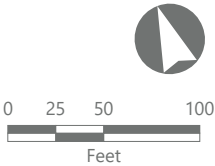


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- CoB - Colonie loamy fine sand, 3 to 8 percent slopes
 - EnA - Elnora loamy fine sand, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area





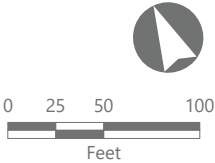
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report



- Soil Type
- CoB - Colonie loamy fine sand, 3 to 8 percent slopes
 - EnA - Elnora loamy fine sand, 0 to 3 percent slopes
 - RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area



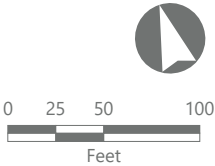


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area



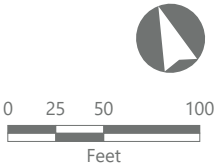


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- HuB - Hudson silt loam, 3 to 8 percent slopes
 - RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area









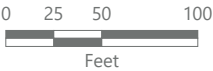
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

Soil Type

-  HuB - Hudson silt loam, 3 to 8 percent slopes
-  RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
-  Mapped Soil Boundary
-  Project Area










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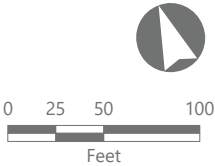
Albany and Greene Counties, New York

SWPPP Report



Soil Type

-  HuB - Hudson silt loam, 3 to 8 percent slopes
-  HuC - Hudson silt loam, 8 to 15 percent slopes
-  RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
-  Mapped Soil Boundary
-  Project Area





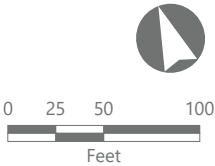
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report



- Soil Type
- HuB - Hudson silt loam, 3 to 8 percent slopes
 - HuC - Hudson silt loam, 8 to 15 percent slopes
 - Ut - Urban land-Udorthents complex, 0 to 8 percent slopes
 - Mapped Soil Boundary
 - Project Area



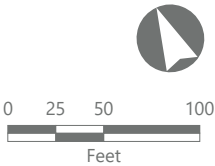


CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- HuB - Hudson silt loam, 3 to 8 percent slopes
 - HuD - Hudson silt loam, hilly
 - Mapped Soil Boundary
 - Project Area





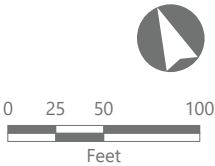
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report



- Soil Type
- HuD - Hudson silt loam, hilly
 - Ra - Raynham very fine sandy loam
 - Wa - Wakeland silt loam
 - Mapped Soil Boundary
 - Project Area





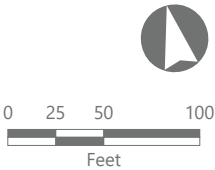
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report



- Soil Type
- HuE - Hudson silt loam, 25 to 45 percent slopes
 - RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Wa - Wakeland silt loam
 - Mapped Soil Boundary
 - Project Area



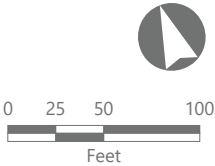


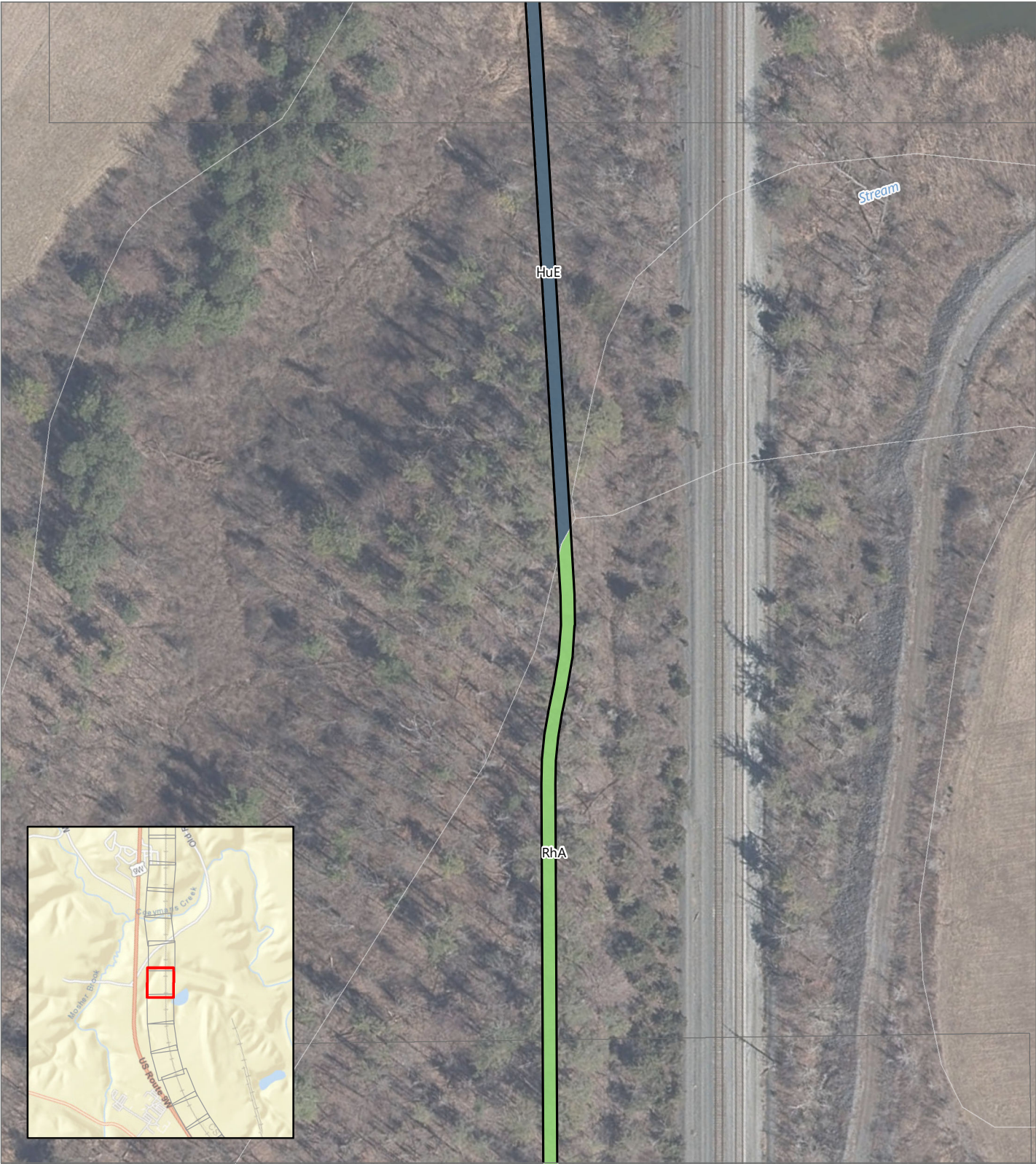
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- HuE - Hudson silt loam, 25 to 45 percent slopes
 - RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area



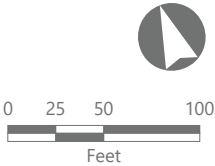


CHPE EM&CP

Albany and Greene Counties, New York

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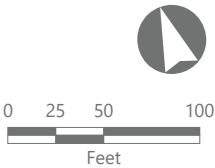


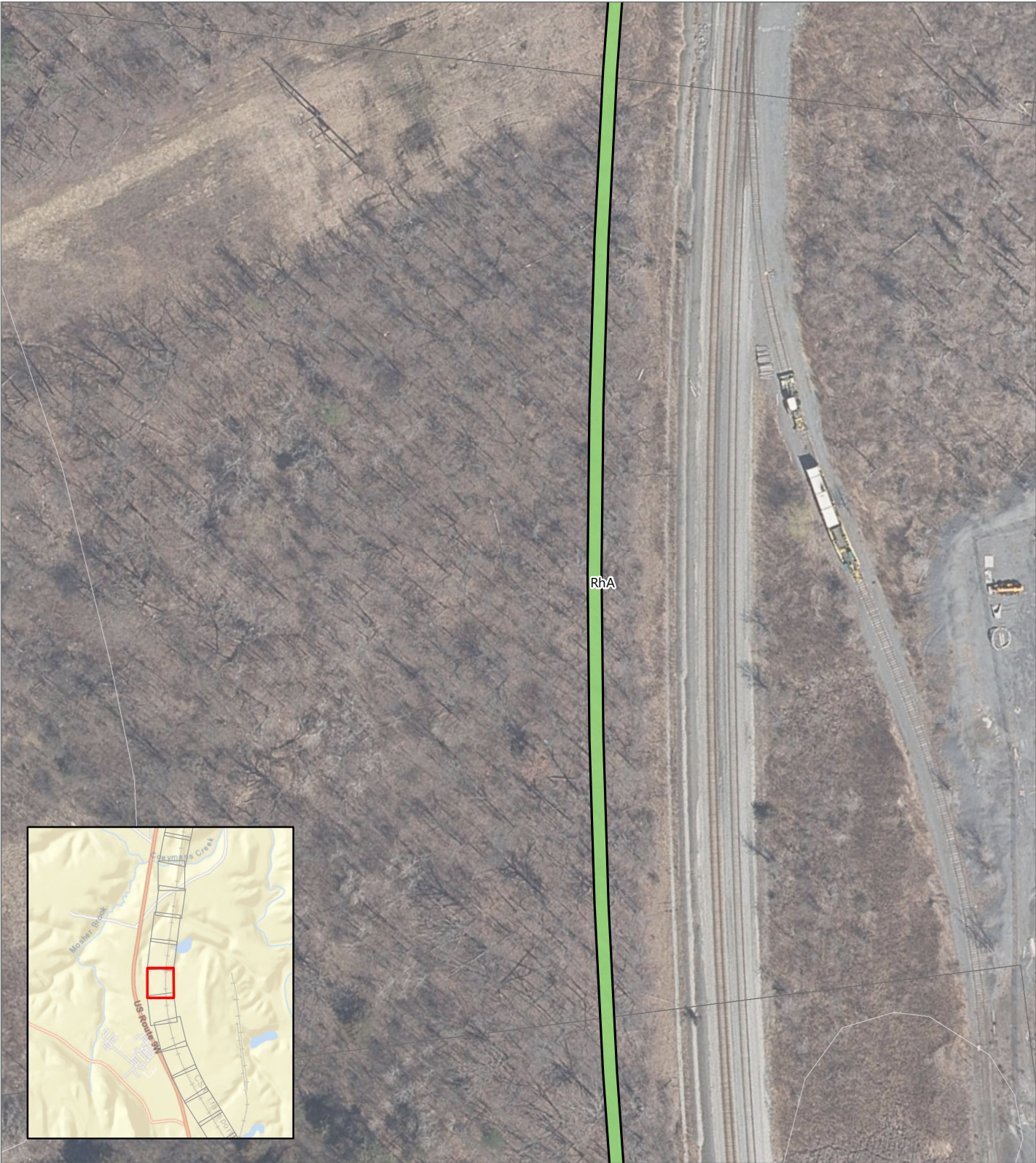
CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

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



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Albany and Greene Counties, New York

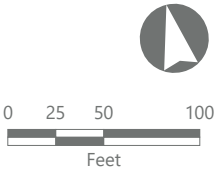
SWPPP Report

Soil Type

 RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes

 Mapped Soil Boundary

 Project Area





CHPE EM&CP

Albany and Greene Counties, New York

SWPPP Report

- Soil Type
- Ma - Madalin silt loam
 - RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
 - Mapped Soil Boundary
 - Project Area

